CHAPTER 4
ADDITIONAL SUPPORTING ITEMS AND INFORMATION

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CHAPTER 4: ADDITIONAL SUPPORTING ITEMS AND INFORMATION

This chapter provides further clarification on what supporting information and/or documentation must accompany the application forms described in the previous chapters. This information includes maps, site plans, sectional drawings, and other documentation that completes the Michigan Department of Environmental Quality (MDEQ)/United States Army Corps of Engineers (USACE) Joint Permit Application (JPA).

Filing Fees:

A filing (application) fee is required before an application for a project can be considered administratively complete. The fee is based on the regulation that covers the activities and the type of activity proposed. The fee can be paid either by check or money order, made payable to the **State of Michigan**. A copy of the fee schedule is provided in Appendix C. Page 1 of the fee schedule lists all of the State Fees and Federal Fees that can be assessed for an application. Following is information to help you in determining the proper filing fee for the project.

Begin by determining what Parts of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) apply to the proposed project, then use the guidelines presented below. The majority of the fees are determined on whether or not a project qualifies for a minor or general permit. Review Pages 3 through 8 of Appendix C to identify projects that may meet the Minor and General Permit Categories under Parts 31, 301, 315, 325, and 303 of the NREPA. For information about these Parts, see Chapter 1 of this manual or review the applicable regulations and rules, available on the internet through the MDEQ home page. If multiple Parts apply to the project, only the highest fee is assessed out of all applicable Parts. Fees are not cumulative unless the project involves Parts 315 or 353 of the NREPA (dams or critical dunes). Additional fees may be assessed if a hydraulic calculation review is required by our engineers. If a fee has been submitted for a subdivision plat review, then that amount is credited against the application fee for a subdivision construction application.

Example of a project regulated under multiple Parts of the NREPA:

A project is proposed for construction of an upland driveway and a culvert across a stream, with less than 10 feet of approach fill on either side of the culvert; and for minimal fill in a wetland to build a house. The parcel was established prior to October 1980 and is still owned by the same party; and there is not a regulated floodplain involved in this project. Parts 301 and 303 both apply to this project. The driveway stream crossing is regulated under Part 301 and the fee would have been $50. The fee for the fill in the wetland for the house construction would be $100 under Part 303. If no hydraulic computation review is required, the fee for the proposed project (driveway, culvert, plus wetland fill) would be $100.

If there is confusion in determining the fee, contact the Permit Consolidation Unit (PCU) at (517) 373-9244. A fee determination received from PCU based on a verbal description of the project may not be the final fee. Higher or additional fees may be required upon further review of the permit application. Fees paid in excess of the fee needed will be refunded.

Some projects are exempt from MDEQ regulations but may be regulated by the USACE, whereas some are exempt from both agencies' regulations. For information on projects exempt by MDEQ regulations, refer to the regulations themselves or call the PCU. This may be in the statute (law) or in the administrative rules promulgated pursuant to the statute. In most cases, it is more prudent to apply and include the fee that most closely applies to the proposed project.

Although an estimated fee assessment may have been quoted during a pre-application consultation, the final application fees are determined by PCU staff based upon review of the application. A quoted fee assessment may change as information not described verbally, new information provided in a permit application, or in a response to a Correction Request that was not presented originally is identified.

Example 1 - based on information provided in the application it may be determined that the project site is within a floodplain or wetland. This could increase the fee from $50 to $100.

Example 2 – A project originally assumed to qualify as a "minor" may deviate enough from the category and no longer qualify as a "minor."

Inland Lakes and Streams and Great Lakes projects under Parts 301 and 325: If the project falls under one of the Minor Project Categories listed for Parts 301 or 325 (pages 2 through 5 of Appendix C) and it meets all of the listed criteria for that category, the filing fee will be $50. Several projects quality as minor only if they are for a single family unit or are limited by the size of the impact (i.e. 300 cubic yards of dredge or fill, or 300 feet in length). Minor deviations from the minor project category may disqualify a project as a minor.

The fee is additive for multiple crossings of the same stream, up to a maximum of $500.

If the project doesn't fall under any of the minor project categories listed or it does not meet the criteria listed under a given category, the filing fee for the project will be either $500, or $2000 if the project falls under one of the Major Project categories. Refer to Major Projects on page 1 of Appendix C. If the project involves Marina construction, reconstruction, or expansion, refer to the guidelines below.

Marina Construction or expansion under Part 301 or 325: If a project involves construction of a new marina; expansion or reconstruction of an existing marina; maintenance dredging of 10,000 cubic yards; or the addition of seawalls, bulkheads, or revetments of 500 feet or more, use the fees that are listed under Marina Construction or Expansion Projects on page 1 of Appendix C. When determining the appropriate marina fee, the number of slips is based on the number of boats that are able to dock or moor at the facility. In-place, in-kind maintenance of a marina structure may be exempt. Reconstruction projects of an existing marina fall under the expansion fees.

Marina Operating Permit Renewal or Transfer under Part 301: Renewals for existing Marina Operating Permits (MOP) at a facility are $50. This fee is also assessed for transfers of ownership. MOPs are valid for up to three years.

A marina on the Great Lakes will need to secure a conveyance from the MDEQ rather than an operating permit.

Wetland projects under Part 303: If a project falls under of the General Permit Categories for Part 303 (pages 5 through 7 of Appendix C) and it meets all of the listed criteria for that category, the filing fee is $100. Small deviations from the minor project category may disqualify a project for a General Permit. If a project doesn't fall under any of the categories or it does not meet the criteria listed under a given category the filing fee for the project will be $500, or $2000 if it falls under one of the Major Project categories. Refer to Major Projects on page 1 of Appendix C.

Note that if a project on face value meets the criteria for a General Permit, but has a potential to have a significant environmental impact, it would no longer quality for a general permit and would be assessed a fee of $500 or more.

Floodplain projects under Part 31: If a project falls under one of the Minor Project Categories under Part 31 (page 2 of Appendix C) and it meets all of the listed criteria for a given category the filing fee is $100. If the project is in the floodway it does not fit any of the Minor Project categories, then the filing fee is $500. If engineering computations are required to assess the impact of a proposed floodplain alteration on flood stage or discharge characteristics, or a hydraulic report is required, the floodplain engineers in the field will notify the applicant. The fee for reviewing the hydraulic computations is $1500 and this fee is in addition to all other fees. If a project is regulated under both Parts 301 and 31, and hydraulic computation review is required, the fee would be the higher of the Part 301 or Part 31 fee ($100, $500, or $2000) plus an additional $1500 for the cost of the hydraulic computations review.

EXAMPLE: A project is proposed for construction of a driveway and culvert across a stream and through the 100-year floodplain, with less than 10 feet of approach fill on each side of the culvert. Both Parts 301 and 31 apply to this project. The fee for Part 301 only would have been $50. The fee for Part 31 only would have been $100. Since the higher fee of the two is $100, the fee for the proposed project would be $100. If a hydraulic calculations review is necessary, an additional $1500 would be assessed to cover the cost of this additional review, for a total fee of $1600.

Critical Dune Area projects under Part 353: If a project falls under Part 353 refer to the fee categories listed under the Critical Dune Area Projects on page 2 of Appendix C. The fee will either be $150, $250, $600, $1,300, $2000, or $4000 depending on the type of project being proposed. Note that the fees for activities in Critical Dune Areas are not the same as for activities in High Risk Erosion Areas. Make sure that the appropriate fee structure is used to determine the appropriate fee to submit for the project. See the fee table below for activities in Critical Dune Areas.

If a project includes Part 353, the Part 353 fee is in addition to all other applicable fees.

Fee	Uses in Critical Dune Areas
$150	▪Decks with a cumulative area of 225 square feet or smaller.
$250	▪ Removal of blown sand to maintain an existing use (5 year permit). ▪ Installation of retaining walls or other erosion protection devices up to 100 feet in cumulative length. ▪ Removal of more than two or but less than ten trees, not related to a commercial logging activity. ▪ Decks greater than a cumulative area of 225 square feet. ▪ Request to modify an existing permit that has not expired.
$600	▪ Additions, garages, gazebos, and storage buildings. ▪ Retaining walls and erosion protection devices larger than 100 feet in cumulative length. ▪ Parking areas not associated with a special use project. ▪ New, replacement, or maintenance of utilities for a single-family home, including a septic system. ▪ Removal of ten or more trees, not related to a commercial logging activity. ▪ Expansion of any road or driveway. ▪ Demolition or removal of a building.
$1300	▪ All other uses not listed, including: --Construction of a single family home and associated infrastructure. --Construction of each additional home, cottage, or guest dwelling on one property. --Relocation of a single family home and associated infrastructure. --Construction of a driveway serving one single family home.
$2000	▪ An industrial or commercial use where the area of impact will be no larger than 1/3 of an acre.
$4000	▪ Construction of a road or driveway if the road or driveway has the potential to serve a multi-family development of more than two homes or to serve a special use project. ▪ An industrial or commercial use where the area of impact will be larger than 1/3 of an acre. ▪ A multi-family use of more than 3 acres. ▪ A multi-family use of 3 acres or less if the density of use is greater than 4 individual residences per acre. ▪ A project that would damage or destroy features of archeological or historical significance.
$2000	▪ Application for Special Exception (in addition to the above fees).

High Risk Erosion projects under Part 323: If a project falls under Part 323 refer to the fee categories listed under the High Risk Erosion Projects on page 2 of Appendix C. The fee will either be $50, $100, or $500 depending on the type of project that is proposed. Note that the fees for activities in High Risk Erosion Areas are not the same as for activities in Critical Dune Areas. Make sure that the appropriate fee structure is used to determine the appropriate fee to submit for the project. See the fee table below for activities in High Risk Erosion Areas.

Fee	Uses in High Risk Erosion Areas
$50	Additions to existing structures
	Garages
	Septic system
$100	Single family homes
	Move a building
$500	Special use projects, including:
	Industrial
	Commercial
	Multi-family

Dam projects under Part 315: If a project falls under Part 315 the fee will be the fee assessed under Parts 301, 325, 31, 303, 323, or 353 plus the fee listed under Part 315. If the project falls under one of the Part 315 Minor Project Categories (page 4 of Appendix C) and it meets all of the criteria listed for a given category, the Part 315 portion of the filing fee will be $100. Otherwise, refer to the rest of the Part 315 fee categories listed on page 1 of Appendix C and determine which of the project categories best represents the proposed activity and assess that fee for the Part 315 portion of the filing fee.

If a project includes Part 315, the Part 315 fees are in addition to all other fees.

Example of how to determine the fee if multiple Parts of NREPA, including Part 315, apply to a project: If a project involves Parts 301 and 315, the fee will be the 301 fee plus the 315 fee.

After-the-fact fees: If a project has already been started or completed without a permit, and this project would be considered an after-the-fact (ATF) project, then it is subject to double the regular permit fee. If restoration is not ordered by the MDEQ, an application for an ATF permit may be accepted.

Example of an ATF fee determination: If a single 4-foot by 10-foot dock was installed on a lake under a permit issued by the MDEQ, the filing fee under Part 301 would have been $50. However, if the dock was installed without a MDEQ permit, the fee under Part 301 for the ATF would be $100 ($50 x 2 = $100).

Cover Letter

It is recommended that a cover letter be included with the application submittal. The following should be provided in this letter:

- Additional background information and history about the proposed project site.
- A clear explanation of why the application is being submitted.
- A listing of any previous permits issued for the site.
- A contact name, address, and phone number.
- A statement of whether or not the USACE has been provided a copy of the application.
- If a Land and Water Management Division field representative has been to the site, provide the name of the person and the date of the site visit.

Project Narrative

The project narrative should describe all aspects of the proposed project. This includes the proposed impacts to the natural resources, the volumes of fill and surface area of impact for each area to be impacted, proposed construction techniques to be used and what measures will be taken to reduce soil erosion (Best Management Practices). To assist PCU and other staff in reviewing the file it helps if the project narrative is provided in a format similar to MDEQ's Public Notice format. The Public Notice includes the proposed impacts, the purpose of the project, the location of the project site, and a detailed description of the proposed impacts.

A project narrative needs to include the following:

- Impacts to any natural resources or features.
- Volume of fill and surface area.
- Construction techniques.
- Best Management Practices.

Example of a Public Notice Format:

The applicant proposes to place fill in wetlands, excavate and place fill within the 100-year floodplain of the Grand River, place a culvert within Mill Creek, and install utilities through a wetland and under Mill Creek for the construction of a single-family residential subdivision. The project site is located near the intersection of State Road and River Street in Grand Rapids. A total of 1,000 cubic yards of fill will be placed within 0.8 acres of wetland for the construction of a roadway and building sites. Approximately 700 cubic yards of material will be excavated from the 100-year floodplain of the Grand River for compensating cut and 1,000 cubic yards of fill material will be placed within the 100-year floodplain of the Grand River for the construction of building sites. A 4-foot diameter by 80-foot long corrugated metal pipe (CMP) will be placed within Mill Creek for the construction of a roadway crossing. The proposed crossing will require the placement of approximately 50 cubic yards of fill below the Ordinary High Water Mark (OHWM) and 10 cubic yards of riprap placed at each end of the culvert for bank stabilization. A 12-inch sanitary sewer and an 8-inch water main will be installed through 100 linear feet of wetland by the open-cut method and under Mill Creek by the directional bore method.

Letter of Authorization

A letter of authorization is required if the agent signs the application for the applicant, or if the applicant is not the sole owner of the property on which construction activities are proposed. For a multi-family project, such as a condominium, a letter of authorization can be provided by the association representative.

Vicinity Map

A vicinity map specifies the location of the project site (see sample drawings Appendix B). This can be hand drawn or taken from a city map, topographical map, or plat map. If using MapQuest® or other computer-assisted mapping system, make sure the map is complete and accurate, provides information on nearby cross streets, and is reproducible when photocopied. The specific location of the site must be shown on the map by specifically labeling the "SITE", placing an "X," or drawing the site property boundaries on the map. Written directions (driving route), requested in Section 5 of the application, should always accompany the maps, describing the roads, intersections, etc. to be traveled to get to the site. Do not assume staff know where the site is located or how to get there.

Drawings

Drawings (plans) need to pictorially represent what the current conditions of the site are and what activities are proposed. Plans do not necessarily need to be prepared by an engineer; they can be hand drawn. All permit applications must be accompanied by a site plan and one or more cross-sections for each impact area. For some projects, a profile drawing is also necessary. Although dimensions are provided within the text of the application form, dimensions are also required on drawings, along with a bar scale, an arrow indicating what direction is north, and distances between various features shown on the drawing. When drawing plans, especially for activities in designated Critical Dune and High Risk Erosion Areas, make sure all existing structures on-site and proposed on- site are illustrated. All figures and dimensions must be consistent between the drawings and with information provided in the application. The drawings, not the application, are cross referenced and attached to permits; therefore, the drawings need to completely and accurately show the existing and proposed conditions, including dimensions.

- A site plan is like a bird's eye view of the property or looking down at the top of a layer cake.
- A cross section is like a slice of layered cake showing the various layers.

Sample drawings are provided in Appendix B. Some of these drawings include general instructions for site plans and cross sections that pertain to a certain type of project and include a check list of the features that should be shown on the drawing and/or additional information

that should be included with the drawings. Follow the check list and provide all the information that is requested. Much of the information not requested in the application form is covered within the sample drawing check list. Make sure the information provided on the drawings matches the information provided in the application form. For clarity, provide a site-specific drawing based on the sample drawings provided in Appendix B; don't superimpose project information on a copy of a sample drawing.

All drawings should:

- ✓ Be legible and clearly labeled on standard width paper of 8 ½ x 11-inch size (see **Plan and Copy Sizes** below for additional information)

- ✓ Have a title block that includes: proposed activity; applicants name; waterbody; city, village or township; county; drawing number and the number of drawings in the set (e.g. Drawing1 of 3).

- ✓ Reference any datum used for the plans (NGVD 29, IGLD 85) if the project is on inland waters or a Great Lake, respectively.

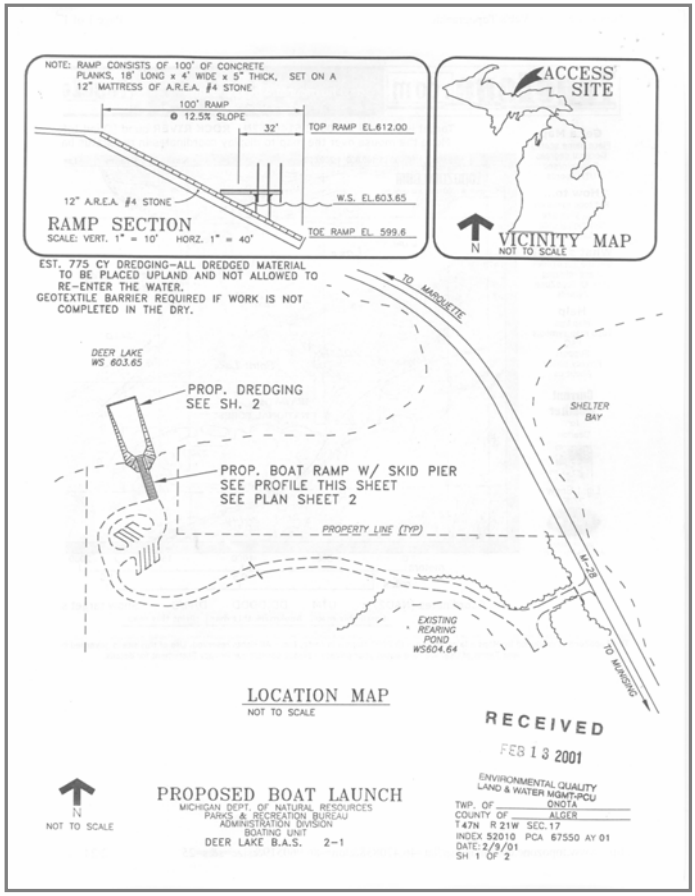
- ✓ Be drawn to scale with the scale identified on each drawing. It is recommended that a bar scale be utilized and provided on the drawings. If a drawing needs to be reduced, the bar scale will be reduced by the same degree as the drawing, whereas number scales become distorted upon copy reduction of the drawing. If drawings cannot be made to scale, everything must include detailed dimensions. Critical Dune Area (CDA) and High Risk Erosion Area (HREA) drawings **must** be to scale.

- ✓ Label all existing and proposed relevant features and provide dimensions relative to those features, especially those that correspond to questions on the application form.

- ✓ Include all soil erosion and sedimentation control measures proposed.

Project Site Plan:

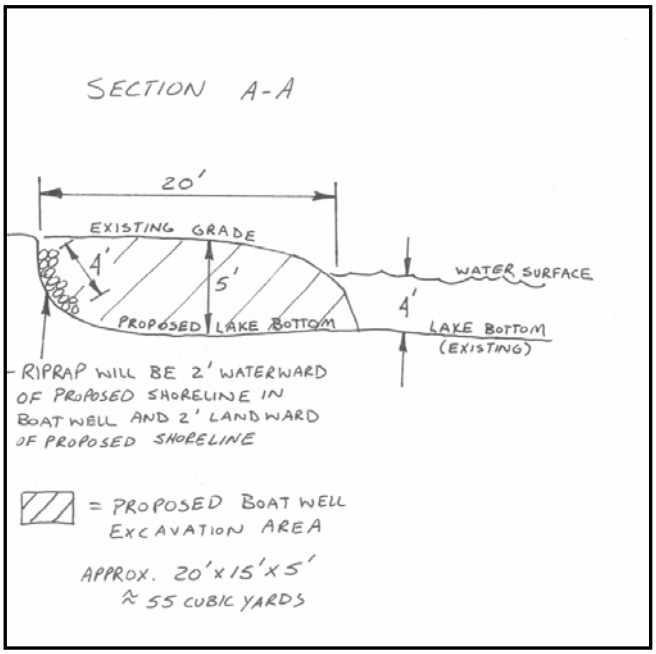
The project site plan(s) should include:



- ✓ North directional arrow.
- ✓ The property boundaries for the project site, parcels, lots, etc.
- ✓ Existing waterbody shorelines that are on or near the site.
- ✓ Ordinary high water level boundary line.
- ✓ Stream channels, top of banks should be specified, if applicable.
- ✓ Wetland boundaries, if applicable.
- ✓ Floodway and floodplain boundaries with elevations, if known and applicable.
- ✓ All proposed excavation and/or fill areas specified (shade or cross hatch), with dimensions if no scale is provided.
- ✓ All existing and proposed structures with dimensions. For CDA and HREA applications include additions; stairways; decks; driveway; landscaping such as excavation areas, fill areas, or re-grading areas; retaining walls; seawalls; and septic areas.
- ✓ Distance from bluff or erosion line for CDA or HREA projects.
- ✓ Distance from existing structures, septic areas, landmarks, and property lines to all proposed structures and areas of excavation and/or fill, if the drawing is not to scale.
- ✓ Area of vegetation removal specified (cross hatch or shade) within a CDA or HREA, or for beach maintenance projects.
- ✓ Indication of areas of 33% slope or greater, if known, for CDA applications only. Work in 33% or greater slope areas will require a special exception – see the discussion in Chapter 3 for information about special exceptions. Projects within a CDA that involve work on slopes of 25% or greater will require the plans to be signed or sealed by an architect or engineer.
- ✓ Location of trees of 3-inch diameter or larger that will be cut or removed within a CDA or HREA.
- ✓ Must be in black and white with no color coding.
- ✓ Do not use photos as a substitute for a site plan or cross-section.

Section Views

Cross sections, and in some cases profiles, should be provided for all proposed impacts within a Great Lake, inland lake, stream, wetland, floodplain, HREA, or CDA. The section views should include, but are not limited to the following:



- ✓ The existing grade or ground clearly shown.
- ✓ The proposed grade clearly shown.
- ✓ Existing and proposed water surfaces and water depths with the dates of observation/measurement.
- ✓ Ordinary High Water Mark.
- ✓ All proposed structures, with detailed dimensions, if not to scale.
- ✓ Proposed structure foundations/footings/slabs/etc. with dimensions. Specify the type of foundations/footings/slabs/etc.
- ✓ Depths of the foundation and the ground contour surrounding proposed buildings or additions.
- ✓ All areas of proposed excavation and/or fill, with detailed dimensions, if not to scale.
- ✓ Wetland limits, if applicable.
- ✓ Floodplain elevation, if applicable.
- ✓ Existing and proposed slopes, including those through basement walk-outs within a CDA.
- ✓ The height of placement above the existing ground or water surface for proposed structures such as elevated decks and stairways.
- ✓ Width from top of bank to top of bank, bank heights, and bottom of channel widths should be provided for any work within a stream/drain.
- ✓ Thickness of fill to be placed above existing or proposed structures, such as above bridges and/or culverts.
- ✓ Must be in black and white.

For CDAs, cross sections are needed for work on any retaining walls, driveways, paths, stairways, landscaped areas, and any areas with proposed excavation, fill, or re-grading.

Photographs

Photographs of the area of the proposed project are required, and provide a helpful aid. Be sure to label the direction of the view on the pictures. Aerial photographs are optional. Where possible show the labeled and staked area of the proposed activity in the photographs.

***Note: Project area MUST be staked before the application is submitted**

Plan and Copy Sizes

Site plans and section views required for the application should be provided on 8 ½ x 11 sheets that are to scale and legible. If larger drawings or blueprints are required to show adequate detail, the MDEQ needs 5 full size copies of those drawings accompanied by a 8 ½ x 11 or 11 x 17 reduced copy of those plans.

Currently, the USACE strictly requires 8 ½ x 11 copies of all plans, that are to scale and legible for their record keeping purposes. Full size engineering drawings sent to the USACE will result in a request for new drawings that are to scale and on 8 ½ x 11 sheets of paper.

In the future, the MDEQ plans to follow the USACE and require that all plans be provided on 8 ½ x 11 copies that are to scale and to be legible. All scales should be provided in the form of a "Bar Scale" so that if a plan drawing photocopied and reduced it will still be an accurate scaled document. Not all drawings need to be to scale (except for CDA and HREA applications) if all the necessary or requested dimensions for proposed impact areas are shown on them.

It is recommended that applications are submitted unbound, unstapled and not in binders.

Sending Information by E-Mail

In some cases review can be expedited if the response to a Correction Request is e-mailed to PCU. When e-mailing attachments or drawings, make sure dimensions are provided so the diagram can be downloaded or reduced without losing integrity. Scaled plans can currently be accepted as Adobe Reader (.pdf) documents. Always verify that your e-mail was received by the PCU file reviewer.